

IN THE UNITED STATES DISTRICT COURT
OF NEW MEXICO

Barbara Andersen

Plaintiff

v.

Forrest Fenn; Unknown Defendant

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Case 20-cv- 00553-JFR

MOTION TO STRIKE DOCKETS 24 AND 25 AND FOR OTHER RELIEF

Barbara Andersen, as her own attorney, hereby files this motion to strike as follows:

1. Andersen is waiting for ruling on her pending motions.
2. Subpoena recipient (Not defendant) Mr. Fenn is purportedly deceased based on the filing by his former (not current) counsel, Mr. Sommer. Mr. Sommer already advised this Court as to same. As such, unless and until this Court rules on Andersen's motion to amend the subpoena on its face, Mr. Sommer has no standing to file any pleadings in this matter. He is an attorney without a current client until a future, yet-unknown legal event occurs.
3. Mr. Sommer has filed two pleadings within hours of Andersen's Amended Complaint (that have nothing to do with his former client...unless he wants to confess something to this Court). Notably, Mr. Sommer does not even offer any legal authority as to how he has standing to talk in any regard to Andersen or this Court. (Andersen already told Mr. Sommer this last week.) See Andersen's Response to the Motion for Protective Order/Quash.
4. Mr. Sommer nor his law firm have received any subpoena. As such, he has no basis speaking to this Court until (a) this Court rules on Andersen's request to amend the subpoena to include the heirs of Mr. Fenn; (b) someone is appointed to represent the heirs and demonstrates same in a proper legal fashion to Andersen and this Court; and (c) he is then retained by that party. Mr. Sommer has not shown this Court that it is he is the person to be appointed or retained. Obviously, this is premature.

5. Mr. Sommer is not the Unknown Defendant (unless he wishes to admit that he is in possession of the treasure). As such, Mr. Sommer should cease interjecting himself into this case.

6. Mr. Sommer certainly has no basis to attack the jurisdiction of this Court and/or file Motions to Dismiss unless he wishes to file an additional appearance on behalf of the alleged “Finder” (if that person even exists). Notably, Mr. Sommer labels his disguised Motion to Dismiss as a “supplement”. Dkt 25. Aside from the fact that this is nothing more than a disguised Motion to Dismiss (which he has no standing to assert as a non-party), Mr. Sommer has no client and has not sought leave to file this supplement. See Andersen’s response to the Motion for Protective Order/Quash.

7. In sum, Mr. Sommer is throwing more legal nonsense into this Court record as a stall tactic and with no client. His bizarre conduct seems to cover up for the fact that the conclusion to the chase was/is nonsense. Everyone in the United States except for a few “Fennatics” aka “Fenn nuts” (who apparently miss the obvious photo shopping of the “find” pictures) can see this.

8. Mr. Sommer should just admit already that Andersen’s solve is correct and that he is stringing her along.

9. Andersen also requests that this Court order Mr. Sommer to file the death certificate of Mr. Fenn into this Court’s record (under seal is fine) and tender same to Andersen. Andersen also requests that any future attorney for Mr. Fenn’s estate/heirs be required to show the proper legal authority supporting to Andersen and this Court (i.e. will, Court appointment, etc.) before filing any further pleadings herein and/or communicating further with Andersen.

Wherefore, Andersen moves to strike Dockets 24 and 25 filed by Mr. Sommer and his law firm for want of standing. Andersen also requests that this Court order Mr. Sommer to file the death certificate of Mr. Fenn into this Court's record (under seal if desired by this Court). Andersen also requests that this Court order future counsel for the heirs of Mr. Fenn to establish their legal authority before any future communications to Andersen and/or this Court.

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_____/s/ Barbara Andersen_____

CERTIFICATE OF SERVICE

Barbara Andersen hereby certifies that on September 17, 2020 the **MOTION TO STRIKE DKTS 24 AND 25 AND FOR OTHER RELIEF**

was filed and delivered via the ECF filing system and e-mail to:

Service list:

karls@sommerkarnes.com

/s/Barbara Andersen
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